

ARTICLE II. - NOISE

FOOTNOTE(S):

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**Editor's note**—Ord. No. 10-1268, adopted May 3, 2010, amended art. II in its entirety and enacted similar provisions as herein set out. The former art. II derived from Ord. No. 80-9, §§ 1—7, adopted Oc5. 21, 1980.

Sec. 13-41. - Declaration of policy.

This article is designed to provide comprehensive regulations to control noise levels so as to preserve, protect, and promote the public health, safety and welfare, and the peace, comfort, and quiet of the inhabitants of the city, prevent injury to humans, animals, and property, and foster the comfort of its inhabitants and reasonable enjoyment of property.

This article is not designed to impede any person's First Amendment rights of freedom of speech.

This article is not designed to impede the growth or economic health of the commercial or downtown districts of the city.

(Ord. No. 10-1268, 5-3-10)

Sec. 13-42. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning and all terminology used in this article, not defined below, shall be in conformance with applicable publications of the American National Standards Institute (ANSI) or its successor body:

Ambient noise level means the composite of noise from all sources near and far. In this context, the ambient noise level constitutes the normal or existing level of environmental noise at a given location.

Commercial area means as the term is defined in the zoning ordinance of the city.

Continuous noise means any noise whose level varies less than 3 dB(A) during the course of a period of at least five minutes.

Cumulative period means an additive period of time composed of individual time segments which may be continuous or interrupted.

dB(A) means the intensity of a sound expressed in decibels read from a calibrated sound level meter utilizing the A-level weighting scale and the fast meter response, as specified in American National Standards Institute standard S1.4—1971.

Daytime, except when indicated otherwise, shall mean 7:00 a.m. to 10:00 p.m.

Fixed noise source means a stationary device which creates sounds while fixed or motionless, including but not limited to, residential, agricultural, industrial and commercial machinery and equipment, pumps, fans, compressors, air conditioners, and refrigeration equipment.

Impulsive noise means sound of short duration, usually less than one second, with an abrupt onset and rapid decay. Examples of sources of impulsive sound include explosions, drop forge impacts, and the discharge of firearms.

Industrial area means as the term is defined in the zoning ordinance of the city.

Intermittent noise means any noise which goes on and off during a course of measurement of at least five minutes, but which exceeds ten seconds in duration each time it is on.

Intrusive noise means that noise which intrudes over and above the existing ambient noise at a given location. The relative intrusiveness of a sound depends upon its amplitude, duration, frequency and time of occurrence, and tonal or informational contents as well as the prevailing ambient noise level.

Mobile noise source means any noise source other than a fixed noise source.

Nighttime, except when indicated otherwise, shall mean 10:00 p.m. to 7:00 a.m.

Perpetual noise means any noise whose level varies less than 3 dB(A) during a period of at least 30 minutes.

Real property boundary means an imaginary line along the ground surface, and its vertical extension, which separates the real property owned by one person from that owned by another person, but not including intra-building real property divisions.

Receiving land use means the use (commercial, industrial or residential) of the land on or at which a noise is received.

Residential area means the area defined by the zoning ordinance of the city.

Sound amplifying equipment means any device for the amplification of the human voice, music, or any other sound, excluding standard automobile radios when used and heard only by the occupants of the vehicle in which the radio is installed, and, as used in this article, warning devices on authorized emergency vehicles or horns or other warning devices on any vehicle used only for traffic safety purposes.

Sound truck means any motor vehicle, or any other vehicle, regardless of motive power, whether in motion or stationary, having mounted thereon, or attached thereto, any sound amplifying equipment.

Weekday means any day, Monday through Friday, which is not a legal holiday.

(Ord. No. 10-1268, 5-3-10)

Sec. 13-43. - General noise regulations.

It shall be unlawful for any person to create, assist in creating, permit, continue or permit the continuance of any unreasonably loud, disturbing, unusual or unnecessary noise which annoys, disturbs, injures, or endangers the comfort, repose, health, peace or safety of others within the limits of the city.

(Ord. No. 10-1268, 5-3-10)

Sec. 13-44. - Maximum permissible sound levels for receiving land use.

Except as provided in section 13-44A, no person shall operate or cause to be operated any source of sound at any location within the incorporated city or allow the creation of any noise on property owned, leased, occupied or otherwise controlled by such person, which causes the noise level when measured at or within the real property boundary line of the receiving land use to exceed:

(1) Impulsive noise.

a. Residential area—

Nighttime: 60 dB(A)

Daytime: 70 dB(A)

b. Commercial area—

Nighttime: 70 dB(A)

Daytime: 80 dB(A)

c. Industrial area—

Nighttime: 80 dB(A)

Daytime: 90 dB(A)

(2) Intermittent noise:

a. Residential area—

Nighttime: 55 dB(A)

Daytime: 60 dB(A)

b. Commercial area—

Nighttime: 60 dB(A)

Daytime: 65 dB(A)

c. Industrial area—

Nighttime: 70 dB(A)

Daytime: 75 dB(A)

(3) Continuous and perpetual noise:

a. Residential area—

Nighttime: 45 dB(A)

Daytime: 50 dB(A)

b. Commercial area—

Nighttime: 50 dB(A)

Daytime: 55 dB(A)

c. Industrial area—

Nighttime: 55 dB(A)

Daytime: 60 dB(A)

(Ord. No. 10-1268, 5-3-10)

Sec. 13-44A. - Outdoor music in downtown districts.

(a) For the purposes of this section, the following definitions shall apply:

Daytime shall mean 7:00 a.m. through 10:00 p.m. Sunday through Wednesday; 7:00 a.m. through 12:00 a.m. Thursday through Sunday and holidays.

Downtown business district means as the term is defined in the zoning ordinance of the city for both east Dearborn and west Dearborn.

Holiday shall mean those holidays recognized by the federal government and the city's homecoming event.

Night 1 shall mean 12:00 a.m. through 2:00 a.m. Thursday through Saturday and holidays.

Night 2 shall mean 10:00 p.m. through 7:00 a.m. Sunday through Wednesday; 2:00 a.m. through 7:00 a.m. Thursday through Saturday and holidays.

(b) No outdoor music shall be provided in the downtown business districts which causes the noise level when measured at or within the real property boundary line of the receiving land use to exceed:

|                   | Residential |          |          |
|-------------------|-------------|----------|----------|
|                   | Day         | Night 1  | Night 2  |
| Downtown District | 65 dB(A)    | 60 dB(A) | 55 dB(A) |
| Non District      | 60 dB(A)    | 55 dB(A) | 55 dB(A) |

|                   | Commercial |          |          |
|-------------------|------------|----------|----------|
|                   | Day        | Night 1  | Night 2  |
| Downtown District | 75 dB(A)   | 70 dB(A) | 60 dB(A) |
| Non District      | 65 dB(A)   | 60 dB(A) | 60 dB(A) |

(c) No outdoor music shall be performed or played between the hours of 2:00 a.m. and 8:00 a.m.

(d) Sound level measurements pursuant to this section shall be made at the receiving property and in accordance with the policy adopted by the Dearborn Police Department.

(Ord. No. 10-1268, 5-3-10)

Sec. 13-45. - Specific prohibitions.

Except as provided in section 13-44A, the following acts, and the causing or permitting thereof, are declared to be in violation of this article.

- (1) Radios, television sets, musical instruments and similar devices. Operating, playing or permitting the operation or playing of any radio, television set, phonograph, drum, musical instrument, or similar device which produces or reproduces sound between the hours of 10:00 p.m. and 7:00 a.m. in such a manner as to create a noise disturbance across a residential or commercial real property line.

- (2) Loudspeakers (amplified sound). Using or operating for any purpose any loudspeaker, loudspeaker system, or similar device between the hours of 10:00 p.m. and 7:00 a.m., such that the sound therefrom creates a noise disturbance across a residential real property line.
- (3) Animals and birds. Owning, possessing or harboring any animal or bird which frequently or for long duration, howls, barks, meows, squawks, or makes other sounds which create a noise disturbance across a residential or commercial real property line.

a. A person who violates this subsection shall be subject to the following penalties:

|                       |  |         |
|-----------------------|--|---------|
| First offense         | Civil infraction                             | \$75.00 |
| Second offense        | Civil infraction                             | 100.00  |
| Third offense         | Civil infraction                             | 250.00  |
| Fourth and subsequent | 93-day misdemeanor as defined in section 1-9 |         |

- (4) Loading and unloading. Loading, unloading, opening, closing or other handling of boxes, crates, containers, building materials, garbage cans, or similar objects between the hours of 10:00 p.m. and 7:00 a.m. in such a manner as to cause a noise disturbance across a residential real property line.
- (5) Vehicle or motorboat repairs and testing. Repairing, rebuilding, modifying or testing any motor vehicle, motorcycle, or motorboat in such a manner as to cause a noise disturbance across a residential real property boundary.
- (6) Places of public entertainment. Operating or permitting the operation or playing of any loudspeaker, musical instrument, motorized racing vehicle, or other source of sound in any place of public entertainment that exceeds 95 dB(A), as read on the slow response of a sound level meter at any point normally occupied by a customer, without a conspicuous and legible sign stating: "WARNING! SOUND LEVELS WITHIN MAY CAUSE HEARING IMPAIRMENT."
- (7) Domestic power tools, machinery. Operating or permitting the operation of any mechanically powered saw, sander, drill, grinder, lawn or garden tool, or similar tool between 10:00 p.m. and 7:00 a.m., so as to create a noise disturbance across a residential or commercial real property line.
- (8) Recreational activities in residential areas. Noise generated by outdoor recreational activities (e.g., basketball, tennis, hockey) shall be prohibited in residential areas between the hours of 10:00 p.m. and 7:00 a.m.

(Ord. No. 10-1268, 5-3-10; Ord. No. 13-1408, 8-13-13; Ord. No. 14-1436, 9-9-14)

Sec. 13-46. - Exemptions.

- (a) Exemptions. The provisions of this article shall not apply to:
  - (1) The emission of sound for the purpose of alerting persons to the existence of an emergency; or
  - (2) The emission of sound in the performance of emergency work.

- (3) The occasional outdoor gatherings, public dances, shows, and sporting and entertainment events, provided such events are conducted pursuant to a permit or license issued by the city relative to the staging of such events.

(Ord. No. 10-1268, 5-3-10)

Sec. 13-47. - Liability of owner, lessee, or occupant.

If the person responsible for an activity which violates this article cannot be determined, the owner, lessee or occupant of the property on which the activity is located shall be deemed responsible for the violation. The fine schedule for a person found responsible under this section occurring within one calendar year shall be as follows:

|                       |                  |         |
|-----------------------|------------------|---------|
| First offense         | Civil infraction | \$75.00 |
| Second offense        | Civil infraction | 100.00  |
| Third offense         | Misdemeanor      | 250.00  |
| Fourth and subsequent | Misdemeanor      | 500.00  |

(Ord. No. 10-1268, 5-3-10)

Sec. 13-48. - Penalty.

The fine schedule for violations of this article occurring within one calendar year shall be as follows:

|                       |                  |         |
|-----------------------|------------------|---------|
| First offense         | Civil infraction | \$75.00 |
| Second offense        | Civil infraction | 100.00  |
| Third offense         | Misdemeanor      | 250.00  |
| Fourth and subsequent | Misdemeanor      | 500.00  |

(Ord. No. 10-1268, 5-3-10)

Secs. 13-49—13-70. - Reserved.